

Case: 6:69-cv-07941-BB

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

10 JUN -7 AM 9:32

STATE OF NEW MEXICO, on the relation of )

The State Engineer, )

No. 69cv 07941-BB

CLERK-SANTA FE

Plaintiff, )

Rio Chama Stream

System

v. )

Section I (mainstream)

ROMAN ARAGON, et al., )

)

Defendants. )

**PRO SE PERSONS / SUCCESSORS-IN-INTEREST OF THE ACEQUIA DE CHAMITA REPLY  
TO THE PLAINTIFF STATE OF NEW MEXICO, EX REL. STATE ENGINEER'S MOTION TO  
REQUIRE SHOWING BY SANDIE HOLGUIN, THOMAS MARTINEZ AND JOE BRANCH  
THAT THEY HAVE AN INTEREST IN LANDS IRRIGATED BY ACEQUIA DE CHAMITA  
AND THAT THEY ARE SUCCESSORS-IN-INTEREST TO PERSONS THAT TIMELY FILED  
OBJECTIONS TO NOTICES AND ORDERS TO SHOW CAUSE (DOC. 9767, FILED  
05/27/2010).**

The *pro se* / successor-in-interest defendant(s) to be in compliance with the State's motion, Document 9767, Filed 05/27/2010, come now to respond to said Motion:

1. Because the *pro se* parties didn't understand proper procedural conduct they did not reply to the State's motion (Doc. 9606, Filed 02/25/2010) in a timely manner; and thus the Court responded, "No parties filed a timely response opposing the State's motion to limit consideration of objections" (Doc. 9720, Filed 05/21/2010 at 2). The Courts resulting motion was to grant the State's motion to limit consideration of objections to the Special Master's Report to those filed by persons that timely objected to Notices and Orders to Show Cause (*ibid.*).

Case: 6:69-cv-07941-BB

2. While still unsure of this kind of procedural conduct, but in hopes of preventing a similar response in judgment by the Honorable Court, the Defendant parties wish to submit a reply to the State's motion. (Doc. 9767, Filed 05/27/2010).
3. Comes now *pro se* party/ successor-in-interest Sandie Holguin, (Doc. 9624, 9670, 9717), to show by deed or otherwise that I have an interest in lands irrigated by the Acequia de Chamita and that I am in fact a successor-in-interest to persons that timely filed objections to the Notices and Orders to Show Cause issued by the Court in 1994-95 (*ibid.* at 3). I am a successor-in-interest to Defendant Kenneth C. Marthey, Subfile No. 258, Doc. No. 3974.16, (Document 9720 Filed 05/21/2010 at 5). Documents of interest follow:

File Number: SD 01P35 - 29B

(For OSE Use Only)

Trn # 334980

OFFICE OF STATE ENGINEER

SANTA FE, NEW MEXICO NEW MEXICO OFFICE OF THE STATE ENGINEER  
CHANGE OF OWNERSHIP OF WATER RIGHT (INDIVIDUAL)

2005 MAY 25 AM 11:27

Name: KENNETH MARTHEY  
 Contact: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 Work Phone: \_\_\_\_\_  
 Home Phone: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip: \_\_\_\_\_

## NEW OWNER

Name: SANDIE HOLGUIN  
 Contact: \_\_\_\_\_  
 Address: 1102 McNAMEE ST.  
 City: Newman  
 Work Phone: 405 225 6002  
 Home Phone: 405 447 9316  
 State: OK Zip: 73069

## 2. AMOUNT CONVEYED

State Engineer File Number: SD 01P35 - 29B  
 Subfile Number 255, 257 of Cause Number \_\_\_\_\_.  
 Owner of record has conveyed PART of said right.  
 (all or part)

Diversion Amount: \_\_\_\_\_ acre-feet per annum  
 Consumptive Use: \_\_\_\_\_ acre-feet per annum  
 Other: \_\_\_\_\_ (units)

1.622 X 3  
= 4.86 AFA

## 3. PURPOSE OF USE

Domestic: \_\_\_\_\_ Livestock: \_\_\_\_\_ Irrigation:  Municipal: \_\_\_\_\_ Industrial: \_\_\_\_\_  
 Commercial: \_\_\_\_\_ Other (specify): \_\_\_\_\_  
 Specific use: \_\_\_\_\_

OFFICE OF STATE ENGINEER  
SANTA FE, NEW MEXICO

## 4. PLACE OF USE

1.622 acres of land described as follows:

Subdivision of Section (District or Hydrographic Survey)	Section (Map No.)	Township (Tract No.)	Range	Acres	Priority
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<u>CHANITA DITCH</u>	_____	_____	_____	<u>1.622</u>	_____
<u>RIO CHAMA</u>	_____	_____	_____	_____	_____
<u>MAINSTREAM</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RIO ARRIBA  
 J. FRED VIGIL, COUNTY CLERK  
 200509384  
 Book 528 Page 9384  
 1 of 2  
 12/13/2005 10:56:34 AM  
 BY SHIRLEYN

Do Not Write Below This Line

File Number: \_\_\_\_\_  
 Form: wr-02i

Trn Number: \_\_\_\_\_

page 1 of 2

File Number: SO-D1835-29B(For OSE Use Only)  
Trn # 334980

**NEW MEXICO OFFICE OF THE STATE ENGINEER  
CHANGE OF OWNERSHIP OF WATER RIGHT (INDIVIDUAL)**

**5. WELLS TO ACCOMPANY CONVEYED RIGHT**

Well File No.	Subdivision	Section	Township	Range

**6. CONSENT TO LAWFUL CHANGE IN PLACE AND/OR PURPOSE OF USE**

(I, We) the above owner(s) of record, hereby consent to a lawful change in the place and/or purpose of use of the above-described water right:  
(To be completed only if it is an irrigation water right and has been conveyed separate from the land to which it was appurtenant.)

(Signature)

(Signature)

**7. ADDITIONAL STATEMENTS AND SIGNATURES.**

RIO ARRIBA

J. FRED VIGIL, COUNTY CLERK

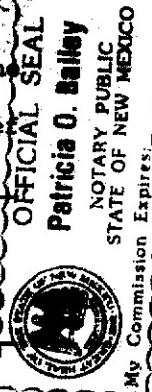
200509384

Book 528 Page 9384

2 of 2

12/13/2005 10:56:34 AM

BY SHIRLEYN

OCCUPATIONAL  
LICENSE  
NUMBER  
25  
EXPIRES  
06/30/2006**ACKNOWLEDGEMENT**(I, We) Sandie Holquin

(Please Print)

The foregoing statements are true to the best of (my, our) knowledge and belief.

Applicant Signature

Applicant Signature

**NOTARY**This instrument was acknowledged before me this 25<sup>th</sup> day of MayA.D., 2005 by Sandie Holquin,

Name of Applicant(s)

Name of Applicant(s)

My commission expires 5/4/08

Notary Public

This Change of Ownership form is hereby accepted for filing in accordance with Section 72-1-2.1, NMSA-1978 (1985 Repl. Pamp), as amended. The acceptance by the Office of the State Engineer does not constitute validation of the right conveyed.

Do Not Write Below This Line

File Number: \_\_\_\_\_

Trn Number: \_\_\_\_\_

Form: WR-021

No. 9M11029 MG

### **Re: Article Title & Content**

**WARRANTY DEED**

Kenneth C. Marthey, a single man

---

**Sandie F. Holzman**

, for consideration paid, grants to

whose address is 1102 McNamee Street, Norman, Ok 73069  
the following described real estate in RIO ARRIBA County, New Mexico:

Trag "E":

A certain tract or parcel of land being situate within Exc. 1, PC 227, P3, Exc. 1, PC 251, P1, Exc. 1, PC 227, P2, in Section 9, Township 21 North, Range 08E, in the vicinity of Chamita, County of Rio Arriba, State of New Mexico.

Containing 1,622 acres, more or less.

According to the plat of survey entitled "Replat for Kenneth C. Marthey", filed for record July 25, 1995 in Book O-556 at page 3667, records of Rio Arriba County, New Mexico.

OFFICE OF STATE ENGINEER  
SANTA FE, NEW MEXICO

**Subject to:** Reservations, restrictions and easements of record and taxes for the year 2005 and thereafter, with warranty covenants.

Witness my hand this 3rd day of December, 2004.

Kenneth C. Marthey  
Kenneth C. Marthey

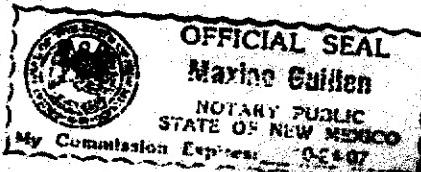
**ACKNOWLEDGEMENT FOR NATURAL PERSONS:**

**State of New Mexico** )  
**County of Rio Arriba** ) SS.

This instrument was acknowledged before me on the 3rd day of December, 2004, by Kenneth C. Marthey, a single

**My commission expires: 24 October 2007**

(Seal)



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Notary Public

Kenneth C. Marthey

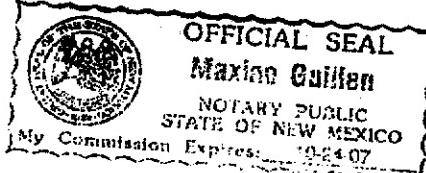
ACKNOWLEDGEMENT FOR NATURAL PERSONS:

State of New Mexico )  
                         ) SS.  
County of Rio Arriba )

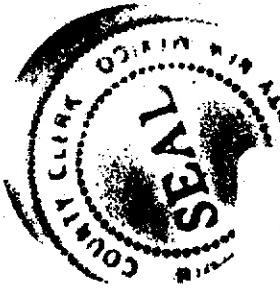
This instrument was acknowledged before me on the 3rd day of December, 2004, by Kenneth C. Marthey, a single man.

My commission expires: 24 October 2007

(Seal)



Maxine Guillen  
Notary Public



RIO ARIBA  
J. FRED VIGIL, COUNTY CLERK  
200400693  
Book 527 Page 693  
1 of 1  
12/20/2004 11:20 AM  
BY DELORA

A handwritten signature is written over the printed stamp.

SHORT FORM WARRANTY DEED

Form SDD01NM Rev. 02/10/98

6/5/2010

*Acequia de Chamita*

P O Box 930  
San Juan Pueblo,  
New Mexico 87566  
Est. August 11, 1598

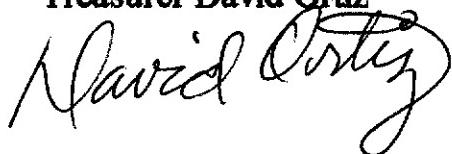
I hereby answer the Plaintiffs Motion to show cause and verify that the following parciante, having objected to the Special Masters recommendation of 1600 for the Acequia de Chamita (Don Juan de Onate's Acequia), Sandie Holguin is a member in good standing since he acquired the land with appurtenant water rights on the Acequia de Chamita, having acquired the land with the water rights from Kenneth C. Marthey, who is identified as a person who filed a timely objection (doc.3974.16 sub file 258), filed December 7, 1994. The water rights were transferred on May 25, 2005 with the New Mexico State Engineer Office. A simple phone inquiry to S. M. Wells in the State Engineers Office by the Plaintiff would have verified this information instead of making motions to the court requiring defendants to show cause.

Sandie Holguin Map 22, Tract 2,3,4 Sub file 255, 258,259,274

1102 McNamee St.

Norman, Oklahoma

Acequia de Chamita Commissioner  
Treasurer David Ortiz



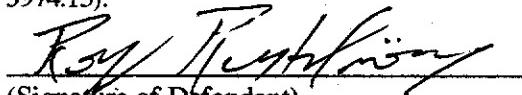
Case: 6:69-cv-07941-BB

Respectfully submitted for defendant Sandie Holguin

(Doc. 9624, 9670, 9717)

By Ron W. Rundstrom (Current *Pro Se* (Doc. 9657, 9592, 9717); Past *Pro Se* (Subfile No. 274, Doc. 3974.19) and

Eloy J. Garcia, Mayordomo (Current *Pro Se* (Doc. 9657, 9590, 9717); Past *Pro Se* (Subfile. 285, Doc. 3974.15).

  
(Signature of Defendant)  
by Ron W. Rundstrom, Date: 7 June 2010

Ron W. Rundstrom  
(Printed name of Defendant)

P.O. Box 1791

(Street address or P.O. Box)

Española, New Mexico 87532  
(City, State and Zip Code)

Respectfully submitted for defendant Sandie Holguin

  
(Signature of Defendant)

by Eloy J. Garcia, Date: 7 June 2010

Eloy J Garcia  
(Printed name of Defendant)

Box 1791

(Street address or P.O. Box)

San Juan N.M 87566  
(City, State and Zip Code)